

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOSHUA SHUMAN, a minor, by)
and through his Mother and) Civil Action
Natural Guardian,) No. 02-cv-03594
TERESA SHERTZER; and)
TERESA SHERTZER, Individually,)

Plaintiffs)

vs.)

PENN MANOR SCHOOL DISTRICT;)
PENN MANOR SCHOOL BOARD;)
C. WILLIS HERR,)
RICHARD L. FRERICHS,)
JEFFREY E. LYON,)
PATRICK T. KLINE,)
DONALD H. ANDERSON,)
H. THOMAS HERR,)
KELLY K. WITHUM,)
DONNA WERT,)
JEFFREY G. KREIDER,)
DOLORES WARFEL,)
STEVE SKROCKI, each Individually)
and as Members/Officers of the)
Penn Manor School Board;)
GARY B. CAMPBELL, Individually)
and as Superintendent of the)
Penn Manor School District;)
DONALD STEWART, Individually)
and as Acting Superintendent of)
the Penn Manor School District;)
JANICE M. MINDISH, Individually)
and as Principal of Penn Manor)
High School of the Penn Manor)
School District;)
BRIAN D. BADDICK, Individually)
and as Assistant Principal of)
Penn Manor High School of the)
Penn Manor School District;)
PHILIP B. GALE, Individually)
and as Dean of Students of)
Penn Manor High School of the)
Penn Manor School District; and)

CAROLE FAY, Individually)
and as a Teacher and)
Agriculture Coordinator at)
Penn Manor High School of the)
Penn Manor School District,)
Defendants)

* * *

APPEARANCES:

DEIRDRE A. AGNEW, ESQUIRE
On behalf of Plaintiffs

JASON R. WILEY, ESQUIRE
On behalf of Defendants,

* * *

RULE 16 STATUS CONFERENCE ORDER

NOW, this 24th day of June, 2003, after status conference conducted by telephone with the undersigned on this date, pursuant to Rule 16 of the Federal Rules of Civil Procedure, and by agreement of counsel, it appearing that on May 19, 2003 United States Magistrate Judge Arnold C. Rapoport entered a discovery Order filed May 20, 2003, certain portions of which have not yet been complied with,

IT IS ORDERED that on or before June 30, 2003 plaintiffs shall provide defense counsel with an executed confidentiality agreement, pursuant to paragraph 3 of Magistrate Judge Rapoport's Order.

IT IS FURTHER ORDERED that on or before July 3, 2003 defendants shall provide plaintiffs' counsel with the names, addresses and phone numbers of the students in the classroom when the event which is the subject of this lawsuit occurred, together with other persons who have knowledge of the event, subject to the aforesaid confidentiality agreement.

IT IS FURTHER ORDERED that on or before July 3, 2003, each defendant (except defendant school board members) shall provide separate full and complete responses to plaintiffs' interrogatories, and that defendant school board members shall, in a joint response, file full and complete responses to plaintiffs' interrogatories by that date, except for plaintiffs' interrogatory number 1, to which all defendants (including defendant school board members) shall file separate full and complete responses by that date.

IT IS FURTHER ORDERED that, except as otherwise provided below, all discovery shall be completed by October 31, 2003.

IT IS FURTHER ORDERED that plaintiffs shall be precluded from offering the testimony of expert witnesses at trial unless on or before October 31, 2003 plaintiffs provide defense counsel with the name, address, curriculum vitae and a signed, written expert report containing the findings, conclusions and opinions, of each such witness.

IT IS FURTHER ORDERED that defendants shall be precluded from offering the testimony of expert witnesses at trial unless on or before December 1, 2003 defendants provide plaintiffs' counsel with the name, address, curriculum vitae and a signed, written expert report containing the findings, conclusions and opinions, of each such witness.

IT IS FURTHER ORDERED that all dispositive motions, including motions for summary judgment, accompanied by a brief, shall be filed and served on or before December 15, 2003.

IT IS FURTHER ORDERED that all motions in limine shall be filed and served on or before February 2, 2004.

IT IS FURTHER ORDERED that all motions (except those relying solely on a Federal Rule of Civil Procedure) shall be accompanied by a brief, not to exceed twenty-five pages without prior leave of court. There shall be no reply briefs unless requested, or authorized, by the undersigned. Reply briefs shall not exceed seven pages and must be filed within three business days of the court's request or approval.

IT IS FURTHER ORDERED that any party filing a motion for summary judgment or partial summary judgment shall file and serve, in addition to a brief, a separate short concise statement, in numbered paragraphs, of the material facts about which the moving party contends there is no genuine dispute. The moving party shall support each such material fact with specific

citations to the record, and, where practicable, attach copies of the relevant portions of the record. Failure to submit such a statement may constitute grounds for denial of the motion.

IT IS FURTHER ORDERED that any party opposing a motion for summary judgment or partial summary judgment shall file and serve, in addition to a brief, a separate short concise statement, responding in numbered paragraphs to the moving party's statement of the material facts about which the opposing party contends there is a genuine dispute, with specific citations to the record, and, where practicable, attach copies of the relevant portions of the record. All factual assertions set forth in the moving party's statement shall be deemed admitted unless specifically denied by the opposing party in the manner set forth in this paragraph.

IT IS FURTHER ORDERED that, in the event the within matter has not settled, counsel for all parties and all unrepresented parties shall appear before Magistrate Judge Arnold C. Rapoport at a date and time to be set by the Magistrate Judge for a settlement conference.

IT IS FURTHER ORDERED that a non-jury trial and a jury trial shall commence in a consolidated trial before the undersigned on Monday, March 15, 2004, at 9:30 o'clock a.m., in Courtroom B, Edward N. Cahn United States Courthouse, 504 West Hamilton Street, Allentown, Pennsylvania, or as soon thereafter

as the schedule of the court permits, following jury selection at the United States Courthouse, 601 Market Street, Philadelphia, Pennsylvania. This Order shall serve as a formal attachment for trial.

IT IS FURTHER ORDERED that on or before July 11, 2003 each counsel shall submit to the undersigned a memorandum of law on which issues in plaintiffs' Complaint must be decided by the jury, and which issues must be decided by the judge under current law.

BY THE COURT:

James Knoll Gardner
United States District Judge